

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JOHN PATRICK MCGRATH, III,

Plaintiff,  
v.

HONORABLE JUDGE TODD WOLF,  
  
Defendant.

ORDER

Case No. 22-cv-737-wmc

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This case was transferred here from the Eastern District of Wisconsin. Plaintiff John Patrick McGrath, III, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a certified copy of a trust fund account statement in support of the motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I conclude plaintiff's initial partial filing fee to be \$31.00. For this case to proceed, plaintiff must submit this amount on or before January 13, 2023.

ORDER

IT IS ORDERED that,

1. Plaintiff John Patrick McGrath, III is assessed \$31.00 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order

made payable to the clerk of court in the amount of \$31.00 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before January 13, 2023.

2. Plaintiff's motion to use his release account funds to pay the initial partial payment is GRANTED IN PART. If plaintiff does not have enough money to make the initial partial payment from plaintiff's regular account, plaintiff should arrange with authorities to pay the remainder from plaintiff's release account.
3. If, by January 13, 2023, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.
4. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 22nd day of December, 2022.

BY THE COURT:

/s/  
STEPHEN L. CROCKER  
Magistrate Judge